

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SAMUEL NEAL HART,

Petitioner,

v.

A. CIOLLI, *Warden*,

Respondent.

No. 1:20-cv-00764-DAD-SKO (HC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS,
RECHARACTERIZING PETITION AS A
§ 2255 MOTION, AND TRANSFERRING
CASE TO THE MIDDLE DISTRICT OF
NORTH CAROLINA

(Doc. No. 5)

Petitioner Samuel Neal Hart is a federal prisoner proceeding *pro se* and *in forma pauperis* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 5, 2020, the assigned magistrate judge case issued findings and recommendations, recommending that the petition be recharacterized as a motion to vacate, set aside, or correct a sentence pursuant to 28 U.S.C. § 2255 and that it be transferred to the sentencing court. (Doc. No. 5.) The findings and recommendations were served on petitioner and contained notice that any objections thereto were to be filed within twenty-one (21) days of service. (*Id.* at 6.) No objections have been filed, and the time in which to do so has now passed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the

findings and recommendations are supported by the record and proper analysis.

Accordingly:

1. The findings and recommendations issued on June 5, 2020 (Doc. No. 5) are adopted in full;
2. The petition for writ of habeas corpus is recharacterized as a motion to vacate, set aside, or correct a sentence pursuant to 28 U.S.C. § 2255; and
3. The action is transferred to the United States District Court for the Middle District of North Carolina.

IT IS SO ORDERED.

Dated: **July 21, 2020**


UNITED STATES DISTRICT JUDGE